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12/08/97

U.S. PTO

**NEW UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.

PH1015DB

Total Pages in this Submission

72

**TO THE ASSISTANT COMMISSIONER FOR PATENTS****Box Patent Application  
Washington, D.C. 20231**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

HYDROXY-AMINO ACID AMIDES

and invented by:

Roland Ellwood Dolle, III, Hitesh K. Patel, Theodore O. Johnson, Jr.,  
Carolyn DiIanni Carroll, Shiwei Tao

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/743,944

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 51 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☐ Brief Description of the Drawings *(if drawings filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure
3. ☐ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
  - a. ☐ Formal
  - b. ☐ Informal

Number of Sheets \_\_\_\_\_

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**Application Elements (Continued)**

4. ☒ Oath or Declaration
- a. ☐ Newly executed (*original or copy*)      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
5. ☒ Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission (*if applicable, all must be included*)
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers (*cover sheet & documents*)
9. ☐ 37 CFR(B) Statement (*when there is an assignee*)
10. ☐ English Translation Document (*if applicable*)
11. ☒ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing  
☐ First Class      ☒ Express Mail (*Specify Label No.:*) EM356312311US
15. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_

**NEW UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

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**Accompanying Application Parts (Continued)**

17. ☒ Additional Enclosures (please identify below):

Associate Power of Attorney (37 CFR 1.34)

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	12	- 20 =	0	x \$11.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$41.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$395.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$395.00

- ☒ A check in the amount of \$395.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 16-1448 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:

December 8, 1997

**CERTIFICATE OF MAILING (37 CFR 1.10)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date shown below and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Date: 12/8/97

Janet Rubinstein

(Name of person mailing paper)

Janet B. Rubinstein

(Signature of person mailing paper)

Vicki H. Audia

Signature

Vicki H. Audia, Ph.D.  
Agent for Applicant  
Registration No. 34,539  
Pharmacopeia, Inc.  
101 College Road East  
Princeton, NJ 08540

Practitioner's Docket No. PH1015DB**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

☐ In re application of: Dolle, III, et al  
 Application No.: 08 / 986,545 Group No.  
 Filed: 12/08/97 Examiner: Johann Richter  
 For: Hydroxy-Amino Acid Amides

☒ Patent No.\*: 5,892,038 Issued: April 6, 1999

\*NOTE: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Commissioner for Patents  
 Washington, D.C. 20231

**NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**  
**(37 C.F.R. § 1.27(g)(2))**

NOTE: "Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).

NOTE: From the above portion of 37 C.F.R. § 1.27(g)(2), it is only a change in status "resulting in loss of entitlement to small entity status" that must be filed, and a change from one small entity status to another small entity status requires no notification.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231

**37 C.F.R. § 1.8(a)****37 C.F.R. § 1.10 \***

☐ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

X by Fed-Ex -overnight

Tracking #: 7927 5571 9356 **TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
 Signature

Date: 10/4/02

Dorian Grumet  
 (type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

Applicant hereby notifies the Patent and Trademark Office that it is no longer entitled to status as a small entity, and that the assertion for small entity status, set forth

(complete a and/or b as applicable)

- a. ☒ by paying the filing fee as a small entity on 12/08/97 (Date)  
b. ☐ by the paper filed on \_\_\_\_\_ (Date)

NOTE: "The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b)." 37 C.F.R. § 1.27(g)(2).

35 C.F.R. § 1.33(b):

"(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Date 10/4/02

Michael G. Lenahan

(print or type name of person signing)

Signature

P.O. Address of signatory  
Pharmacoepia, Inc.  
P.O. Box 5350  
Princeton, NJ 08543-5350

- ☐ Inventor(s)  
☐ Assignee(s) of complete interest  
☒ Person authorized to sign on behalf of assignee  
☐ Practitioner of record under § 34(b)  
☐ Filed under § 34(a)

Registration No:

(if applicable)

Telephone No. ( 609 ) 452-3600

Reg. No.

Customer No.

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OCT - 7 02  
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(Notification of Loss of Entitlement to Small Entity Status [7-5]—page 2 of 3)

(complete the following, if applicable)

Pharmacoopia, Inc.  
(type name of assignee)

PO Box 5350  
Address of assignee  
Princeton, NJ 08543-5350

Executive Vice President and General Counsel  
Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_

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